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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Inventor(s): Schneider, et al.****Examiner: Jose R. Diaz****RECEIVED****Serial No.: 09/680,726****Group Art Unit: 2571****FEB 10 2004****Filing Date: 10/5/2000****OFFICE OF PETITIONS****Title: A VCSEL Device With Improved Modal Properties****Amendment**

THE ASSISTANT COMMISSIONER OF PATENTS

WASHINGTON, D.C. 20231

Dear Sir:

In a Final Action, dated 21 May 2003, having a three-month statutory period for response expiring 21 August 2003, please amend the application as follows:

In the claims:

1. (Cancelled)
2. (Cancelled)
3. (Currently Amended) A vertical cavity surface-emitting laser comprising:
a device structure, having a height z and an aperture, including
an active layer having an upper and lower surface, and
upper and lower distributed Bragg reflectors on the upper and lower
surfaces of the active layer and adjacent thereto;